

[G.R. No. 3443. March 15, 1907]

**THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. ADRIANO DUMANDAN,
DEFENDANT AND APPELLANT.**

D E C I S I O N

TORRES, J.:

Adriano Dumandan was, on the 22d day of December, 1905, accused by the fiscal of the Province of Nueva Ecija of the falsification of an official document, in that the accused, with the object of having himself made in name the owner of a carabao, which carabao was then illegally in his possession, and in order to be able to dispose of the said animal for his own benefit, induced, for a consideration, Vidal del Rosario to utter a false credential for said carabao, in which credential it appeared that the carabao had been transferred and sold to said accused by the supposed owner for the sum of 150 pesos, Mexican currency. This document appeared as issued from the municipality of Asingan, of the Province of Pangasinan, and was signed by the president, secretary, and municipal treasurer of said town. The said document also bore a false stamp or seal of the town, which false seal or stamp was possessed by the said Vidal del Rosario; that thereafter the said document, supposed to have been issued by persons who had not participated therein and which was false in its narration of facts, for all of which the accused was responsible for making such inducements to Vidal del Rosario, was used to effect the sale of the said carabao to Marciano Adorable of the town of Gapan for the sum of 120 pesos, the said false credential being delivered to said Murciano Adorable.

The case was duly tried under the said complaint, and the judge, after trial of the case, rendered in said suit his judgment on May 14, 1906, finding the accused guilty under article 301 of the Penal Code, and sentencing him to eight years and one day imprisonment (*presidio mayor*), and to pay a fine of 1,250 pesetas, and the accessory penalties prescribed in article 57, together with the payment of costs of the proceeding, from which sentence the accused appealed.

It has been duly proven in the present case that the credential, set out at folio 6 (and which appears to have been issued on June 15, 1905, by the president and municipal secretary of Asingan of the Province of Pangasinan, in favor of Adriano Dumandan, for the purpose of covering the sale of one carabao for the sum of 150 pesos, which carabao, according to the said credential, bore the marks which were designated therein as the property of one Guillermo Cabayanan), was false and was executed and uttered by Vidal del Rosario at the instance of the accused, Adriano Dumandan, who in reward paid to the former the sum of 5 pesos for so doing. The stamp or seal appearing on said credential was also false. The said stamp or seal reading "Gobierno Municipal de Asingan, Pangasinan," appears stamped in three distinct places on the false document. The said Rosario, the maker of the document, stated that after having forged the signatures of the president, secretary, and treasurer, and making it appear that Guillermo Cabayanan was the owner of the carabao, he then stamped on the document a seal or stamp which he had hidden in the house of one Miguel Aquino; that afterwards the carabao was sold in the town of Gapan for the sum of 120 pesos to Marciano Adorable, the treasurer of said town of Gapan.

It has been manifestly and clearly proven that the offense comes within that of falsification of a certificate or credential of transfer of cattle, defined and punished by article 311 of the Penal Code, and not within the meaning of article 301 in relation with article 300 of the same code; because it has already been unalterably established by this court in various decisions rendered in accordance with the doctrine of the supreme court of Spain in decisions rendered by that court in the application and interpretation of articles of the Penal Code of that country, which articles are similar to those of our Penal Code now in force, they being taken originally from the Penal Code of the Peninsula, that the credentials pertaining to the transfer of cattle come within and are fully covered by article 311, and therefore the penalty prescribed in said article 311 is the only penalty applicable to the author of the falsification of said credentials.

Notwithstanding the denial of the accused of the offense and his many allegations to clear himself, all of which certainly appear to be false, it results after reviewing the documentary and oral evidence in this cause, that the accused is guilty beyond all rational doubt as the author through inducement and persuasion, of the said offense, as he was the one benefiting positively thereby, it not having been proven by the accused that the value of the carabao sold by means of this false credential had ever been paid to Vidal del Rosario.

With reference to the commission of this offense the existence of aggravating or extenuating circumstances is not to be taken into consideration; hence the penalty applicable and which

should be imposed, should be in the medium degree.

Therefore, in view of the above reasons, we reverse the judgment appealed from, and do hereby sentence the said Adriano Dumandan to four months' imprisonment (*arresto mayor*), and to the accessory penalties prescribed in article 61, together with the costs of both instances. Vidal del Rosario should be proceeded against for the same offense, if complaint has not already been filed against said individual. After the expiration of ten days from the notification of this decision, let judgment be entered in accordance therewith, and ten days thereafter let the case be remanded to the court from whence it came for proper action. So ordered.

Arellano, C. J., Mapa, Johnson, Willard, and Tracey, JJ., concur.
